

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

TONY and DOROTHY TURNER,)
)
 Plaintiffs,)
)
 v.) Civil Action No. 3:05-CV-753-M
)
)
 AMERICAN INTERNATIONAL GROUP,)
 INC.; AMERICAN GENERAL CORPORATION;)
 AMERICAN GENERAL FINANCE, INC.;)
 CREDIT CENTERS, INC., d/b/a AMERICAN)
 GENERAL FINANCE, INC.; MERIT LIFE)
 INSURANCE COMPANY; YOSEMITE)
 INSURANCE COMPANY; KATHIE ROWELL;)
 CONNIE FARMER; and Fictitious Defendants)
 "A", "B", and "C", whether singular or plural,)
 those other persons, corporations, firms, or other)
 entities whose wrongful conduct caused the injuries)
 and damages to the Plaintiff, all of whose true and)
 correct names are unknown to Plaintiffs at this time,)
 but will be submitted by amendment when ascertained,)
)
 Defendants.

MOTION TO REMAND

Plaintiffs move this Honorable Court, pursuant to 28 U.S.C. §1447, to remand this case to the Circuit Court of Macon County, Alabama, for the following reasons:

1. This Court lacks subject matter jurisdiction over this action.
2. There is no "federal question" to afford this Court jurisdiction pursuant to 28 U.S.C. §1331 because:
 - (a) This case does not arise under the Constitution, laws, or treatise of United States; and
 - (b) The only claims asserted by Plaintiffs are for violations of Alabama law.

3. Removal is improperly based on the grounds of diversity of citizenship. Defendants Kathie Rowell and Connie Farmer have not been fraudulently joined and this Court should consider their citizenship.
4. Removal is improper, because Defendants fail to prove that the amount in controversy is satisfied.
5. These issues will be addressed in the Memorandum Brief filed with this Motion.

/s/ Charles Lance Gould
C. LANCE GOULD (GOU007)
Attorney for Plaintiffs

OF COUNSEL:

**BEASLEY, ALLEN, CROW,
METHVIN, PORTIS & MILES, P.C.**
Attorneys at Law
Post Office Box 4160
Montgomery, AL 36103-4160
(334) 269-2343
(334) 954-7555 (fax)

CERTIFICATE OF SERVICE

I hereby certify that I have filed the original of the foregoing document in this Court with copies to be served upon all Counsel of record as listed below by placing a copy of same in the United States Mail, first class, postage prepaid on this the 6th day of September, 2005.

/s/ Charles Lance Gould
OF COUNSEL

**Attorney for Defendants American International Group, Inc.
and American General Corporation:**

Jeffrey M. Grantham
John Thomas Aquina Malatesta, III
Maynard, Cooper & Gale, P.C.
1901 Sixth Avenue North
2400 AmSouth/Harbert Plaza
Birmingham, AL 35203-2618
205-254-1035
Fax: 205-254-1999
Email: jgrantham@mcglaw.com
Email: jmalatesta@maynardcooper.com

**Attorneys for Defendants American General Financial Services, Inc.;
American General Financial Services of Alabama, Inc.;
Merit Life Insurance Co.; and Yosemite Insurance Company:**

David Elliott
Robert H. Rutherford
Matthew T. Mitchell
BURR & FORMAN LLP
Suite 3100 SouthTrust Tower
420 North 20th Street
Birmingham, AL 35203
Tel: 205-251-3000
Fax: 205-458-5100
Email: delliott@burr.com